

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALEXANDER KAMINSKI,)	Case No.
)	
Plaintiff,)	Judge
)	
v.)	
)	
THE HILLMAN GROUP, INC.,)	NOTICE OF REMOVAL
)	
Defendant.)	

Defendant The Hillman Group, Inc. (“Hillman”) removes this action from the Hamilton County, Ohio Common Pleas Court to this Court. The grounds for the removal are:

1. State Court Action. On October 23, 2019, Plaintiff Alexander Kaminski (“Kaminski”) filed this employment discrimination action in the Court of Common Pleas for Hamilton County, Ohio, captioned *Alexander Kaminski v. The Hillman Group, Inc.*, Case No. A 1905062 (the “Original Complaint”). Copies of the Original Complaint and Summons with which Hillman was served are attached as Exhibit 1. A copy of the Common Pleas Docket is attached as Exhibit 2.

2. On November 12, 2019, Kaminski filed a First Amended Complaint for Damages and Injunctive Relief (the “First Amended Complaint”). A copy of the First Amended Complaint is attached as Exhibit 3. Although Hillman still has not been served with a copy of the First Amended Complaint as required under Ohio Rule of Civil Procedure 5, Hillman learned of the First Amended Complaint’s filing through the Common Pleas Docket on November 19, 2019.

3. Federal Jurisdiction. The Original Complaint asserted only state law claims against Hillman. In the First Amended Complaint, Kaminski asserts claims under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621 *et seq.* (See First Amended Complaint, ¶¶ 151-

187). Because the First Amended Complaint asserts claims arising under federal law, this Court has original jurisdiction over those claims pursuant to 28 U.S.C. § 1331, and removal is proper under 28 U.S.C. § 1441(a).

4. This Court also has supplemental jurisdiction over the remaining state law claims asserted in the First Amended Complaint pursuant to 28 U.S.C. § 1367(a) because those claims are based on the same or substantially similar set of facts and circumstances as Kaminski's federal claims, and therefore "form part of the same case or controversy." 28 U.S.C. § 1367.

5. Timeliness. Removal is timely under 28 U.S.C. § 1446(b)(3) because Hillman filed this Notice of Removal within thirty (30) days of receipt of the First Amended Complaint—the first amended pleading, motion, or other paper which first identified this action as one which has become removable—through service or otherwise.

6. Venue. Plaintiff brought this action in the Court of Common Pleas for Hamilton County, Ohio, and venue is proper in this Court under 28 U.S.C. § 1446(a).

Hillman requests that this Court assume jurisdiction over this case and issue such further orders as may be necessary and appropriate.

Respectfully submitted,

/s/ Megan S. Glowacki

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CERTIFICATE OF SERVICE

I certify that on November 25, 2019, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system and via email to the following:

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/s/ Megan S. Glowacki

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